

THAW MURDER TRIAL HAS BEGUN

Opening Was Attended With Scenes Approaching Very Near To Absolute Disorder.

THERE WERE MANY CLASHES.

They Were Chiefly Between Reporters and Correspondents And the Police.

Stan's Mother, Evelyn Nesbit Thaw And Countess of Yarmouth Present —Judge Fitzgerald Presided.

New York, Jan. 22.—Scenes approaching absolute disorder attended the opening of the trial of Harry K. Thaw today on the charge of murdering Stanford White. Most of the clashes were between reporters and correspondents and the police.

FALLS FROM POLE DOWN TO DEATH

Ernest R. Snarr Instantly Killed On Ninth West and Second South.

PROBABLY ELECTROCUTED.

Body Shows He Received a Heavy Shock Through the Left Hand Where He Touched Wire.

Ernest R. Snarr, aged about 26 years, was instantly killed at 11:40 this morning on Ninth West and Second South street by a fall from an electric light pole. Snarr was a trimmer for the Utah Light & Railway company and had been working in that capacity for some time. The accident which caused the death of the unfortunate man was witnessed by William Stirling, also an employee of the company. Snarr fell from the top of the pole and struck the ground with terrific force, and was dead when Stirling reached him. He was a single man and resided at the west fifth South street. Word was immediately sent to police headquarters and Officers Clough and Brown went to



TWO VIEWS OF HARRY K. THAW, NEW YORK CLUBMAN.

MAUNA LOA IN ERUPTION

It Presents One of Most Magnificent Spectacles Ever Beheld by Man.

HAWAIIANS EVER WELCOME IT.

Eye Can Behold It But Tongue Cannot Describe It—Never Considered Dangerous.

Honolulu, Jan. 16, via San Francisco, Jan. 22.—At midnight, Wednesday, Jan. 9, the people of nearly all parts of Hawaii awoke to the realization that the splendid spectacle of an outbreak of Mauna Loa was before them. In Hawaii volcanic activity is never dreaded; it is always welcomed. It means a spectacle, as long as it lasts, incomparable, magnificent—and so far as the experience of the hundreds of years of historic time goes, without danger to life, almost without danger to property.

From the summit of Mauna Loa a vast dome rises, from a base 50 miles in diameter and includes almost half of the island of Hawaii, to a height of 13,676 feet above sea level, a great glow began to be seen. It rose in an immense column of light reflecting from the overhanging clouds, and seeming to spread out over a large area of the zenith. Where the column left the mountain, the most intense light, the intensity of light. As it rose and spread out in reflection on the clouds it assumed a deeper, redder tinge.

The great column of light, did not burst suddenly into view, but grew in size and brightness for several hours. To those who have seen eruptions of Mauna Loa, it told its own story. Somewhere near the summit of the great mountain, the molten lava had broken out in a fiery stream, forming first a cone, and then bursting through the side of this started as a river of fire and lava down the gently sloping side of the mountain. Then it began its descent to the sea, a stream of molten lava, covering the mountain as it moved, the lava on the outer edges cooling more rapidly than in the middle of the stream, but ever forced on by the weight of the molten mass behind, hurled from the under world by titanic force.

In the distance, it is a spectacle only. Nearby there is the deep surging of the molten mass hurled in great billows from the depths below. This wonderful spectacle was visible, as it has now been ascertained, for a distance of 100 miles in every direction, except where great banks piled up by the trade winds on some parts of the mountain's shoulder intercepted the line of vision. The light of the dawn began to pale its splendors, to turn them, as the light in the east strengthens, into a pillar of smoke by day.

As yet no one has gone up to the source of the outbreak. That source is distant from human habitation. The way to it leads up through jungle and forest, covering an incredibly rough and broken country, ever rising higher as the mountain is ascended until the timber line is reached, and then over desolate and barren lava fields, rough and broken, full of holes and pitfalls, the remains of ancient outbreaks the dangers of these upper regions now made doubly dangerous by snow which covers the upper portion of the mountain and hides the dangers of the trail from view.

But though no one has gone to the source of the lava flow, the lava flow itself has come down to the view of man. Four days from the time of the outbreak, the stream of lava found its way into the sea. In a brilliant cataract of fire it plunged over a cliff into the waters of the Pacific, at first hiding itself in a great mass of steam, and killing every living thing in the waters which it set a boiling. But as the area of the water heated by the molten lava increased there seemed to be less intense steam at the actual point of contact between water and molten lava, but a greater area from which steam rises. The point at which the stream of lava reached the sea on the southern coast of the island of Hawaii near the boundary between the districts of Kona and Kau, only one stream has so far reached the sea. There are three or four streams. Whether they are all from the identical source or not, is not known. In reaching the sea, the lava stream crossed the government road, which runs along the whole western and southern slope of Mauna Loa at an altitude of about 1,400 feet. The lava occupies the whole of the half of the island of Hawaii. It has been built by just such lava flows as this.

SMITHSONIAN SECRETARY.

Charles D. Elliott, Geological Survey Director, Elected.

Washington, Jan. 22.—Charles D. Elliott, director of the geological survey, today was elected secretary of the Smithsonian institution by the board of regents at their annual meeting.

BUTTE POLICE SYSTEM BAD.

Butte, Mont., Jan. 22.—The present police system of Butte is condemned by the report of the grand jury presented yesterday to District Judge George M. Bourquin. The dismissal of certain police officers is recommended, while in the case of several suspensions of patrolmen it is urged that the men be reinstated. According to their report, the grand jurors differ radically from the councilmen conducting the police investigation.

TWENTY MINERS KILLED IN MINE EXPLOSION.

Trinidad, Cal., Jan. 22.—An explosion occurred in a Colorado Fuel & Iron company mine at Primero early this morning and 20 miners are reported to have been killed. It is said no death list may ever exceed 20. Division Supt. O'Neill with several physicians left here on a special train at 8 o'clock today for Primero. The explosion occurred in the main entry and is supposed to have been caused by a fiery shot. The body of Frank Hobart, timberman, has been recovered. Great excitement prevails at Primero. The great column of smoke from the mine is badly caved in and as yet it has been impossible to gain an entrance. The explosion occurred at 3 o'clock this morning. The miners employed on the night shift are in the habit of going home early this morning when they have taken out the required amount of coal. This circumstance makes it impossible to learn the exact number of dead until the mine can be completely explored. It is believed there were at least 20 men in the mine. Women and children are gathered about the mine entrance seeking for husbands, fathers and brothers. Miners have been called from adjoining camps to assist in the work of rescue. All the dead are believed to be foreigners.

AMERICAN NATIONAL LIVESTOCK ASSOCIATION.

Denver, Jan. 22.—Questions of national importance occupied the attention of the American National Livestock association at its sessions today. As the outcome of its deliberations new measures were brought forward for the approval of the United States with an insistent demand for prompt action on them. One of the most important results of the convention will be a movement to compel the railroad companies to furnish suitable and sufficient facilities for the transportation of livestock. Gifford Pinchot government forester, who brought forward the measure, announced that "government control of the public ranges is one of the fixed policies of the United States and the proposition of leasing the public domain for grazing purposes."

A GREAT BATTLESHIP.

House Naval Committee Probably Will Recommend One.

Washington, Jan. 22.—It is practically assured that the house committee on naval affairs will recommend the construction of a new battleship. In addition to the one decided upon at the last session. As the result of a partial canvass made by members of the committee they are convinced that the house will approve an additional battleship as recommended by President Roosevelt and Secy. Metcalf. Chairman Rose of the committee said today that he expects the naval appropriation bill will be reported to the house before the end of the present week.

FLOOD SITUATION IMPROVES.

Louisville, Ky., Jan. 22.—There was a decided improvement in the flood situation today. The river began to fall soon after midnight. The decline will be about one foot today. Thereafter a fall of from 2 to 3 feet daily is expected.

WARREN'S ELECTION RATIFIED.

Cheyenne, Wyo., Jan. 22.—In joint session today the legislature ratified the re-election of Francis E. Warren as United States senator.

DEER IN CITY LIMITS.

North Ogden Residents Killing Animals Driven Down From Mountains.

(Special to the "News.") Ogden, Jan. 22.—Wild deer are coming within a short distance of North Ogden and are mixing with cattle along the foothills. The animals are almost starved because heavy snowstorms have covered all vegetation in the hills, shutting off their food supply. Sheriff Sebring at Ogden has been notified that the deer are being shot. Several were killed Monday evening and two more were killed last evening. Deputy Sheriffs Wilson and Clark have traced venison to several homes in North Ogden and parties guilty of breaking the law by shooting deer are to be prosecuted. Several small herds of the animals have been seen near Ogden. An engine pulling a trainload of sugar beets on the Ogden & Northwestern jumped the track yesterday on account of a broken rail. The crew jumped into the deep snow along the tracks and escaped injury. Conductor Charles Story fell between the engine and car, and although struck and pushed for some distance by a brakeman, was not injured. He was not crushed to death. It is considered a miracle.

WAR ON SLOT MACHINES.

Butte, Mont., Jan. 22.—A determined crusade is on in this city against the slot-machine. A number of offenders who were brought before District Judge George M. Bourquin yesterday pleaded guilty, and were fined sums ranging from \$10 to \$200 each. The next time, the judge intimated, would be more. Charges against six others for conducting slot machines are pending in the courts.

ANOTHER WRECK WEST OF OGDEN

Westbound Southern Pacific No. 5 Goes Into Ditch Near Deeth, Nev.

ONE DEAD. TWENTY-FIVE HURT

Tom Reynolds of Salt Lake is Among The Injured—Broken Rail Caused Smash.

Elko, Nev., Jan. 22.—Southern Pacific train No. 5, westbound, was derailed at 10:30 last night, one mile east of Deeth, Nev., resulting in the death of one and injury to 25 passengers. None of the crew was injured. The capital stock of the Great Northern railroad proposed an increase of \$50,000,000 to its capital stock, the resolution authorizing such an increase of stock provides that it shall be created and issued for the following general purposes: "First, to provide funds for further and additional equipment; second, to provide funds for additional terminals and facilities on existing lines, including a second main track and for the reduction of grades and improvements of lines; third, to acquire the bonds and stocks of eight different railroad companies which are named, and fourth, to acquire such securities as the board of directors may from time to time authorize to be acquired. The capital stock of the defendant is now \$100,000,000. The state concedes that under the general laws of the state, the defendant may lawfully increase its stock subject to the regulations mentioned. The court says the injunction was asked to compel the company to submit to this regulation which the defendant does not propose to do. Therefore, the court holds there is but one issue raised in the case and the ultimate right of the railroad company to make the proposed increase of stock is not involved in its action. The court says the contention of the state is based upon section 2872 of the revised laws of 1905, originally enacted as chapter 22 of the general laws of 1887. The language of the original act of 1887 does not differ in substance from the language of the section of the revised statutes. The court quotes the original statute and says: "The Great Northern Railway company was originally incorporated as the Minneapolis & St. Paul Railroad company by the territorial legislative assembly in 1856. Section 3 of this act provides that 'the capital stock of the corporation hereby created shall be \$2,000,000. The court holds that the doctrine that subsequent enactments could repeal the law of 1887 governing the company's stock issues does not hold in this case. The court is of opinion that the constitutionality of the law and its repeal by any existing laws governing the issue of stock.

There is no authority here to issue stock in any event in excess of \$20,000,000. But this charter was amended by the state legislature in 1887 by an act which, among other things, provided that the company 'shall have power to create and issue in such manner and on such terms as it may deem expedient one or more classes of preferred stock and to make such agreements as it may deem proper with the respective holders thereof, as to the dividends thereon.' This is the provision relied on to give the defendant the right to issue stock without limit. In my judgment it does not do so. The court holds that the doctrine that subsequent enactments could repeal the law of 1887 governing the company's stock issues does not hold in this case. The court is of opinion that the constitutionality of the law and its repeal by any existing laws governing the issue of stock.

The court's decision sustains every point raised by the state. There were no questions of fact before the court, they being admitted, and while technically there should be a further trial on the question of damages, the injunction permanent. It is thought by the attorney general's department that the next move will be an appeal to the supreme court to determine the constitutionality of the law and the correctness of Judge Hallam's ruling.

TAKING UP OPTIONS.

Samuel Newhouse Acquires Three More Pieces of Property on Lower Main.

The Tuttle closed up this noon Mr. Newhouse's option on the R. E. Miller L-shaped piece of property which runs around the corner of State and Fourth streets, the consideration being \$20,000. The Tuttle are taking up this afternoon two more options on property in the vicinity of the federal building, amounting to over a quarter of a million dollars.

BIG WOOL DEAL.

Wood Livestock Company Sells 700,000 Pounds at 23 Cents.

PATENTS FOR UTAH PEOPLE.

(Special to the "News.") Washington, D. C., Jan. 22.—Patents issued to residents of Utah—George W. McCall, Pres; had spring tightener; Joseph E. Sandberg, Smithfield, best harrow.

GP. RAILROAD MEETS DEFEAT

Road's Officials Enjoined From Making Proposed Increase Of Capital Stock.

MINNESOTA WINS A VICTORY.

Every Point Raised by the State is Sustained by the Court's Decision.

St. Paul, Jan. 22.—In the Ramsey county district court today Judge Oscar Hallam signed an order enjoining the officials of the Great Northern Railway company from making the proposed increase of \$50,000,000 worth of additional stock of that company or issuing the same or a part thereof during the pending litigation without first making an application in writing thereof to the Minnesota railroad and warehouse commission and securing its approval thereof, as provided by section 2872 of the revised laws of 1905.

This is a victory thus far for the state in the action brought last month by Atty. Gen. Young to compel the railroad to recognize the state railroad and warehouse commission before issuing the stock as the laws provide that before a railroad can issue an increase of its capital stock it must make application to the state railroad and warehouse commission and make a showing of the necessity for such an issue. The Great Northern railroad claimed under its original charter it could issue stock at will and that the law granting this power to the railway and warehouse commission was unconstitutional.

Judge Hallam in his memorandum accompanying the injunction says: "The Great Northern railroad proposes an increase of \$50,000,000 to its capital stock, the resolution authorizing such an increase of stock provides that it shall be created and issued for the following general purposes: 'First, to provide funds for further and additional equipment; second, to provide funds for additional terminals and facilities on existing lines, including a second main track and for the reduction of grades and improvements of lines; third, to acquire the bonds and stocks of eight different railroad companies which are named, and fourth, to acquire such securities as the board of directors may from time to time authorize to be acquired. The capital stock of the defendant is now \$100,000,000. The state concedes that under the general laws of the state, the defendant may lawfully increase its stock subject to the regulations mentioned. The court says the injunction was asked to compel the company to submit to this regulation which the defendant does not propose to do. Therefore, the court holds there is but one issue raised in the case and the ultimate right of the railroad company to make the proposed increase of stock is not involved in its action. The court says the contention of the state is based upon section 2872 of the revised laws of 1905, originally enacted as chapter 22 of the general laws of 1887. The language of the original act of 1887 does not differ in substance from the language of the section of the revised statutes. The court quotes the original statute and says: 'The Great Northern Railway company was originally incorporated as the Minneapolis & St. Paul Railroad company by the territorial legislative assembly in 1856. Section 3 of this act provides that 'the capital stock of the corporation hereby created shall be \$2,000,000. The court holds that the doctrine that subsequent enactments could repeal the law of 1887 governing the company's stock issues does not hold in this case. The court is of opinion that the constitutionality of the law and its repeal by any existing laws governing the issue of stock.

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ANTI-PASS BILL AND COMMISSION

Several Senators Express Themselves Strongly Against Latter Measure.

OTHERS WANT MORE LIGHT.

Legislators to be Invited to Attend the Mass Meeting Called For Sunday Night.

President Hewlett Says He Feels "Strongly" But Not "Bitterly" Upon the Subject.

The mass meeting called for Sunday evening to discuss the railroad commission bill will not be given by the Federation of Labor alone, but by this organization in conjunction with the Retail Butchers' association and the Merchants and Manufacturers' association. These two latter organizations decided to join with the federation today, and a committee from all three is busy preparing a program of music and speeches. It is the intention to invite to be present as special guests, all members of the legislature, in order that they may learn the views in favor of a commission, as they are held by the bill's friends.

PRESIDENT HEWLETT'S VIEWS.

In regard to the anti-pass bill which is to be introduced in the legislature, President Hewlett of the M. and M. stated today that his views were over stated in last night's "News" and that the impression could be gained from a careless reading of the article that his association was holding a threat over the legislators. "We do not wish that kind of an impression to be created," he said this morning. "This is an open and fair fight. What we believe is that when the legislators see that their constituents really want the bill, they will vote for it, and all we are trying to do, is to spread information about the bill broadcast enough so that the people will have an opportunity to make up their minds with all the information at hand, rather than with only a part of it. We think a full and free discussion of both sides will be beneficial in the end, and will surely result in a better understanding. There is no bitterness in our hearts, and we are not seeking to intimidate anyone. I admit I feel strongly upon the subject, but I am not bitter nor do I want to use force. What we think about is the anti-pass bill that it will act as a test vote simply for the reason that the railroad commission bill itself contains an anti-pass measure, and it is not likely that a legislature which will turn down an anti-pass bill itself will pass another bill containing the same provisions. It will furnish a show of facts, and that is what we want."

VIEWS OF SENATORS.

The railroad bill is coming in for general discussion in the senate chamber, informally, after sessions and before them. A partial poll of the senate made by the "News" brought out the fact that Senator Fasham and Callister are frankly against the measure, while Park, Miller, Johnson, Clegg and Brinkerhoff, express themselves as open to conviction and anxious to hear more about the bill.

WANTS TO STUDY.

Senator Miller took the somewhat philosophical position that he does not to have preconceived opinions, but to study conditions, and what he most wanted now was to hear a great deal on the subject. He would like to see mass meetings held, he declared, "and opinions interchanged on the subject. Then what I conclude is best for the state, being careful not to do anything that would harm the general welfare of the people, can be expressed in my vote. Right now what we need is information about the measure, and not opinion. I am one who is willing to take positively in favor of giving the bill a free and full hearing."

AGAINST THE MEASURE.

Senator Johnson of Piute said: On general principles I am opposed to a railroad commission, especially at this time, as I do not wish to hamper the extension and betterment of the regions in which they now are or may hereafter go. But I propose to give this and all other measures a full and fair consideration.

WOOL SELLING NOW ON.

Eastern Firms Have Bought Six Million Pounds Already.

Never was there a pricier time carried on among eastern wool buyers than there is to be witnessed in the wool clip. All large eastern houses have agents in the Utah-Idaho field at the present time and in the neighborhood of 6,000,000 pounds of wool from these two states has been contracted for already. This year's prices are to be high, as wool is now bringing between 20 and 23 cents per pound. The scramble among the railroad men for consignments will be greater than ever. Utah's annual crop of wool is about 10,000,000 pounds and Idaho's 13,000,000 pounds. With a dozen agents in the field long before the season is near, all indications point to a great year for wool raisers. The demand for Utah-Idaho wool is growing year by year. Harris is looking out for the B. Harris Wool company of St. Louis; R. L. Orchartt is buying for a number of eastern woolen mills; Elmer Bros. of Boston are represented by Jesse Goodfellow; R. L. McKellar and Joseph Strang, the Koshland people, represented by Isador Koshland, are busy in western Idaho, working on big eastern companies have buyers in the field. The J. D. Wood company is reported to have sold its annual clip in the neighborhood of 400,000 pounds to a Boston firm. It sales keep up at present rate the season's output will be bought before it is taken from the sheep.

WORK IS PROGRESSING.

Salt Lake Route's Improvements at Milford Assuming Shape.

J. H. Burner, district freight and passenger agent of the Salt Lake Route, has returned from Milford, Utah, where he has been working on the improvements at Milford are progressing in good shape, he said this morning. Among the improvements being made are a round house, repair shops, coal bins and chutes, and 10 residences for railroad men and their families. Extensive yards are being



STANFORD WHITE, The Wealthy New York Architect For Whose Murder Harry K. Thaw Must Now Answer in Court.

manded by a police inspector. Only about 10 newspaper writers finally were admitted, the remainder of the space in the courtroom being reserved for the 200 taxmen summoned on the special jury panel.

The trial began before Justice Fitzgerald in Part one, trial term of the supreme court, and was scheduled for 10 o'clock. Before that time the police lines had been extended from the corridor adjacent to the courtroom to include the entire first floor of the criminal court building. The public had been warned in advance not to attempt to get into the court room and few appeared.

The quarrels with the police preceding the trial were quickly forgotten when at 10 o'clock Mrs. William Thaw, mother of the defendant, appeared in the court room. Following her came George L. Carnegie, her daughter, Mrs. Evelyn Nesbit Thaw, wife of Harry, came next, and was closely followed by Mrs. McKenzle, the actress, to whom Mrs. Evelyn Thaw died on the night of the tragedy on the top of Madison Square Garden June 25 last.

The party of relatives was completed by Edward Thaw, Harry's brother, and George Carnegie, his brother-in-law. The Countess of Yarmouth wore a hat and veil, Mrs. Evelyn Thaw dressed all in gray, with a hat and veil of the same color. Atty. Jerome appeared in court last night at this time most of the taxmen had arrived, and the room was crowded.

Justice Fitzgerald took his seat at 10:15 and the trial was on.

There were two prominent sitters in court. One was McDonald and Austin. Flint, inside the circle, where they conducted the trial, where they conducted the trial, where they conducted the trial.

There was a plaintiff under coat on courtroom and he threw the coat about the shoulders. Justice Fitzgerald admonished the taxmen in court room that absolute silence was to be maintained. "Harry K. Thaw to the bar," shouted the clerk. The prisoner appeared almost instantly, somewhat nervously at first, but when he caught sight of his mother and wife he became calm. He was dressed in a suit, and he bowed his head to his mother and wife. Then he carried a placid under coat on courtroom and he threw the coat about the shoulders.